

With respect to the rejection of claim 1, the Examiner acknowledges that the primary reference, James, does not disclose that a source device monitors a data format in order to determine if the bandwidth should be changed. The Examiner, however, alleges that James discloses that a bandwidth must be changed when the data format changes (col. 2, lines 35-40 of James), and the Examiner asserts that the above-underlined alleged aspect of James would have motivated a person of ordinary skill in the art to modify a source device (or talker) so that the source device would monitor the data format and, when the data format changes, the source device would monitor a bandwidth adjustment. Applicant submits, in response, that the Examiner used impermissible hindsight reasoning in concluding that a person of ordinary skill in the art would have used a source device to monitor a format of the output bit stream of the source device while communications are being maintained between the source device and the sink device to determine if requirements for the system resources have changed, as described in claim 1. That is, as the Examiner acknowledges, nowhere does the primary reference, James, nor the APA teach or suggest the above-discussed aspects of claim 1; thus a skilled artisan would NOT have been motivated to modify James to arrive at the present invention, as recited in claim 1. Further, the Examiner merely states that it would have been obvious to modify James to have a source device perform the above-discussed claimed functions simply because “bandwidth must be changed when the data format changes”. However, even if, *assuming arguendo*, the bandwidth must be changed when the data format changes, this still would not provide teaching, suggestion, or motivation that the specific limitations of step (b) of claim 1, for example, would be implemented in the instance that bandwidth must be changed due to data format changes.

Further, with respect to claim 1, Applicant submits that the applied references, either alone or in combination, do not teach or suggest at least “releasing at the source device redundant system resources from the source device...,” as recited in claim 1. That is, the Examiner does not even mention this particular limitation in the Office Action, and based on Applicant’s analysis of James and the APA, nowhere do these references disclose the above-quoted limitation. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references.

Applicant submits that dependent claims 2 and 3 are patentable at least by virtue of their direct and indirect dependencies from independent claim 1.

With respect to independent claim 4, Applicant submits that this claim is patentable over the applied references at least for reasons similar to those set forth above for claim 1 with respect to step (b), as the step (b) of claim 4 is the same as that of claim 1. Further, with respect to step (d) of claim 4, the Examiner alleges that “James et al disclose[s] that the talker and listener are in different bus segments and the listener has to request additional bandwidth from its portal (Fig. 9; col. 11, lines 4-6)”. Applicant submits, however, that nowhere does James disclose that a listener requests additional bandwidth.¹ For example, the section of James cited by the Examiner correlates to Fig. 10, which is a flow diagram of one embodiment for adjusting the bandwidth allocations on interconnected data buses. In this section of James, it is only disclosed that a talker (a source) requests a bandwidth change, but does not indicate that a sink device would perform the functions set forth in step (d). Yet further, Applicant submits that Examiner has

¹ The Examiner apparently believes that the listener corresponds to the claimed sink device.

RESPONSE UNDER 37 C.F.R. § 1.111
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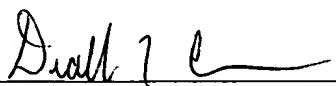
used impermissible hindsight reasoning in concluding that a skilled artisan would have been motivated to modify James by making the listener perform the bandwidth adjustment, as nowhere does James or the APA, either alone or in combination, teach or suggest that a listener actually performs the function of bandwidth adjustment. Therefore, at least based on the foregoing, Applicant submits that independent claim 4 is patentably distinguishable over the applied references.

Applicant submits that dependent claim 5 is patentable at least by virtue of its dependency from independent claim 4.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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